

# OFFICE OF THE ATTORNEY GENERAL



*Judicial  
Inquiry Comm.*

80-00081

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ATTORNEY GENERAL  
STATE OF ALABAMA

NOV 21 1979

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Honorable Robert P. Bradley  
Chairman  
Judicial Inquiry Commission  
800 South McDonough Street  
Montgomery, Alabama 36104

Judicial Inquiry Commission -  
Officers and Employees - Judicial  
Department

Members, officers, and employees  
of the Judicial Inquiry Commission  
are members of the Judicial De-  
partment and out-of-state travel  
requests for such persons must be  
approved by the Chief Justice.

Dear Judge Bradley:

This office is in receipt of your request for an opinion  
as follows:

"The Judicial Inquiry Commission,  
by motion properly made, seconded  
and passed, has asked that I re-  
quest an opinion from you regarding  
authorization of out-of-state travel  
by members of the Commission and its  
staff.

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"Act No. 79-539, Regular Session, 1979, Alabama Legislature, amending Section 36-7-21, Code of Alabama, 1975, provides that, 'with respect to the Judicial Department, the officers and employees thereof, such travel shall be authorized in writing by the Chief Justice.'

"Our specific question is: 'Whether under Act #79-539 and Amendment 328 of the Constitution of Alabama, 1901, the members of the Judicial Inquiry Commission, its officers and employees are officers and employees of the Judicial Department.'

" We would appreciate your early response to this matter."

As you stated in your request, the law concerning traveling out of state on state service was amended by Act No. 79-539, Regular Session of the Legislature 1979, to require that out-of-state travel on state service, "with respect to the judicial department, the officers and employees thereof, such travel shall be authorized in writing by the Chief Justice." Thus if the members, officers, and employees of the Judicial Inquiry Commission are members of the Judicial Department, out-of-state travel must be approved by the Chief Justice and if they are not members of the Judicial Department, such travel must be approved by the Governor.

The Judicial Inquiry Commission was created by Section 6.17 of Amendment 328 to the Constitution of Alabama. Amendment 328 is commonly known as the "Judicial Article" as it completely repealed the old provisions and rewrote the Judicial Department Article in the State Constitution. Furthermore, the Judicial Inquiry Commission is totally related to the judiciary in its functions, duties, and responsibilities.

It is therefore the opinion of this office that the Judicial Inquiry Commission is within the Judicial Department and out-of-state travel for its members, officers, and employees must be authorized in writing by the Chief Justice.

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If we can be of further assistance, please let us  
hear from you.

Sincerely yours,

CHARLES A. GRADDICK  
Attorney General  
By-

  
JAMES R. SOLOMON, JR  
Assistant Attorney General

JRSjr:dss